

STATE OF INDIANA)
COUNTY OF LAKE) SS:

IN THE LAKE CIRCUIT COURT

Dec 5 3 43 PM '77

EPA Region 5 Records Ctr.



297714

STREAM POLLUTION CONTROL)
BOARD OF THE STATE OF)
INDIANA,)

Plaintiff,)

-vs-)

CITY OF EAST CHICAGO,)

Defendant.)

CAUSE NO. C77-2271

NOV 11 1977

DECREE

Technical Services

Case No. C77-2271

The complaint having been filed herein on June 21, 1977 and with plaintiff and defendant by their respective attorneys being desirous of concluding this action and having consented without trial or adjudication of any issue of fact or law herein to the entry of this decree, and without this decree constituting any evidence or admission by any party hereto with respect to any issue of fact or law herein:

NOW, THEREFORE, before the taking of any testimony and upon consent of the parties as aforesaid, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. The defendant, City of East Chicago, shall not permit further refuse to be deposited at its site, commonly known as the East Chicago Dump, located on Michigan Street between Kennedy Avenue and Indianapolis Avenue, East Chicago, Lake County, Indiana.

2. No later than May 1, 1978 the City of East Chicago shall commence to remove or cover all refuse presently exposed at the above said site. Cover shall be clay cover soil, contoured and seeded. Refuse removed shall be taken to the East Chicago Incinerator. The removal or covering shall be completed by May 1, 1979 subject to extension for good cause shown. The defendant, City of East Chicago is ordered to appropriate sufficient funds to accomplish this as quickly as possible.

3. Effective rodent control shall be implemented prior to

removal or covering of refuse at the above-said site.

4. Residue from the East Chicago incinerator shall be deposited at a sanitary landfill holding a valid operating permit from the Stream Pollution Control Board of Indiana.

5. Thirty days from the signing of this decree, residue presently exposed at the East Chicago incinerator shall be covered with clay cover soil, contoured and seeded.

6. Defendant shall apply to the Stream Pollution Control Board of Indiana for an operating permit for the East Chicago incinerator.

CITY OF EAST CHICAGO, INDIANA

By: 

MICHAEL E. CONNELLY
City Attorney

STREAM POLLUTION
CONTROL BOARD OF
INDIANA

THEODORE L. SENDAK
Attorney General of Indiana

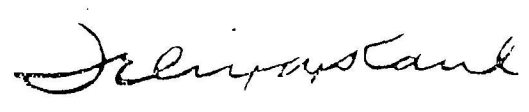
By: 

Oral H. Hert
Technical Secretary

By: 

Eric B. Servaas
Deputy Attorney General

DATED: November 14, 1977.


JUDGE, Lake Circuit Court

cc: Michael E. Connelly
4525 Indianapolis Blvd.
E. Chicago, Ind. 46312

Eric B. Servaas
219 State House
Indianapolis, Ind. 46204

90. File, E. Chicago Dep.
BHH Lake Co.

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

IN THE LAKE CIRCUIT COURT
CAUSE NO. C77-2271

STREAM POLLUTION CONTROL)
BOARD OF THE STATE OF)
INDIANA,)

Plaintiff,)

vs.)

CITY OF EAST CHICAGO,)

Defendant.)

CAUSE NO. C77-2271

NOTICE OF ORDER TO APPEAR
AND SHOW CAUSE

You are hereby notified that the above-named plaintiff filed in the Clerk's Office of the Lake Circuit Court, on the _____ day of _____, 1980, a "Verified Petition for Order to Appear and Show Cause" wherein it asks that this Court issue an order directing the defendant to appear and show cause why it should not be held in contempt of court for violation of the Court's order of November 14, 1977, which motion is in the words and figures as follows:

(H. 1.)

And the Court having read and considered said motion and being duly advised in the premises hereby sustains said motion.

THEREFORE IT IS HEREBY ORDERED that the defendant appear by an authorized agent before this Court at _____ o'clock ____ M. on the _____ day of _____, 1980, and there show cause why it should not be held in contempt of Court.

Issue this _____ day of _____, 1980.

JUDGE, Lake Circuit Court

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

IN THE LAKE CIRCUIT COURT
CAUSE NO. C77-2271

STREAM POLLUTION CONTROL)
BOARD OF THE STATE OF)
INDIANA,)
)
Plaintiff,)
)
vs.)
)
CITY OF EAST CHICAGO,)
)
Defendant.)

VERIFIED PETITION FOR ORDER
TO APPEAR AND SHOW CAUSE

Comes now Plaintiff, by counsel, THEODORE L. SENDAK, Attorney General of Indiana, and STEVE ZLATOS, Deputy Attorney General, and petitions the Court to issue an order directing the defendant, City of East Chicago to appear and show cause why the Court should not hold defendant in contempt, and in support thereof says:

1. The records of the Court in this cause show that on November 14, 1977, the Court issued a final order in this cause mandating defendant, City of East Chicago to, inter alia, clean-up refuse located at its site, commonly known as the East Chicago Dump, located on Michigan Street between Kennedy Avenue and Indianapolis Avenue, East Chicago, Lake County, Indiana, and to properly dispose of residue from its incinerator located at the intersection of Cline Avenue and Gary Avenue, East Chicago, Lake County, Indiana. The Court's order fully states as follows: (H. 1.)

2. Defendant has not followed or complied with the Court's Order in the following respects:

A. Defendant, in total disregard of the Court's Order and its agreement to abide thereto, failed to comply with paragraph 2 of the Order in that removal or covering of exposed refuse was not completed by May 1, 1979, and still remains uncompleted.

B. Defendant failed to comply with paragraph 4 of the Court's Order in that it has allowed residue from the incinerator to be deposited in an area adjacent to the incinerator instead of depositing said refuse in an approved sanitary landfill.

C. Defendant failed to comply with paragraph 5 of the Court's Order in that exposed residue at the East Chicago incinerator was never covered, contoured and seeded.

WHEREFORE, the plaintiff moves the Court to issue an order directing the defendant to appear and show cause why it should not be held in contempt, and for any and all other relief the Court deems just in the premises.

Further, that this Court direct service upon the defendant of said Order and Notice of Hearing.

STREAM POLLUTION CONTROL BOARD

By: Oral H. Hert
Oral H. Hert
Technical Secretary

Office of Attorney General
219 State House
Indianapolis, IN 46204
(317) 232-6328

THEODORE L. SENDAK
Attorney General of Indiana

By: Steve Zlatos
Steve Zlatos
Deputy Attorney General

VERIFICATION

The undersigned, being first duly sworn upon his oath, says that he has read the foregoing "Verified Petition for Order to Appear and Show Cause" and that the matters set out therein are true as he verily believes.

Oral H. Hert
Oral H. Hert
Technical Secretary

SUBSCRIBED AND SWORN to before me, a Notary Public, this 15th day of April, 1980.

Shirley J. Bullen
NOTARY PUBLIC

My Commission Expires:

September 17, 1980

My County of Residence:

Marion